IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.779 OF 2006

Mr.Terence John D'Souza ..Petitioner

Vs.

The State of Maharashtra
and Ors. ..Respondents

....

Mr.Ajit Ram Pitale Advocate for Petitioner
Smt.V.R.Bhosale, A.P.P. for State

....

CORAM: D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : APRIL 25,2006

ORAL ORDER (PER SMT.V.K.TAHILRAMANI,J.):

1. Heard Mr.Pitale, the learned advocate for the petitioner and Smt.V.R.Bhosale, the learned A.P.P. for the State. Rule. By consent, rule is made returnable forthwith.

2. The petitioner had preferred application for furlough. The said application for furlough came to be rejected on two grounds. The first ground was that the surety furnished by the petitioner i.e. his mother was not residing in India but she was working in Qatar, hence, she would not be able to keep a check on the activities of the petitioner

during the period that he is on furlough. The second ground on which the application for furlough came to be rejected is that the petitioner and the complainant are residing closeby, hence, there is danger to the life of the complainant.

3. Mr.Pitale submitted that instead of the mother of the petitioner, the father of the petitioner is willing to stand surety for the petitioner. The father of the petitioner is property holder. In this view of the matter, we are of the opinion that the father of the petitioner can be accepted as surety. As far as the apprehension of the authorities is concerned that there is danger to the life of the complainant, we are of the opinion that the said apprehension can be taken care of by imposing certain conditions on the petitioner.

4. The petitioner be released on furlough in accordance with the usual terms and conditions on furnishing surety of his father. During the period that petitioner is on furlough, he will reside with Mrs.Shalini Ramesh More, Shah Colony, Indira Nagar, Room No.C-3, Kanjur Marg (East), Mumbai. He shall report to the nearest police station to that

address on every alternate day during the period that the petitioner is on furlough. In addition to the above condition, the petitioner shall not enter within the jurisdiction of Vartak Nagar Police Station within whose jurisdiction the complainant and witnesses are residing.

5. Rule made absolute in the above terms. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]